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In re Application of
Rikihisa, et al.
Application No. 10/059,964
Filed: January 28, 2002
Attorney Docket No. 22727/04109

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed September 27, 2004 (certificate of mailing date September 22, 2004). On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Office records have been changed to show this application has large entity status.

This file is being forwarded to Publications Division.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
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for Patent Examination Policy